

Albany Chamber

THE OHIO ORGAN, OF THE TEMPERANCE REFORM.

ETERNAL HOSTILITY TO THE LIQUOR TRAFFIC.

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NEAL DOW

COMPOSING THE MAINE LIQUOR LAW.

THE MAINE LIQUOR LAW.

Sec. 1. No person shall be allowed at any time, to manufacture or sell, by himself, his clerk, servant or agent, directly or indirectly, any spirituous or intoxicating liquors, or mixed liquors, a part of which is spirituous or intoxicating, except as hereafter provided.

Sec. 2 The selectmen of any town, and mayor and aldermen of any city, on the first Monday of May annually, or as soon thereafter as may be convenient, may appoint some suitable person, as the agent of said town or city, to sell at some central and convenient place within said town or city, spirits, wines, or other intoxicating liquors, to be used for medical and mechanical purposes, and no other; and said agent shall receive such compensation for his services as the board appointing him shall prescribe; and shall in the sale of such liquors, conform to such rules and regulations, as the selectmen or mayor and aldermen, as aforesaid, shall prescribe for that purpose. And such agent, appointed as aforesaid, shall hold his situation for one year, unless sooner removed by the board from which he received his appointment, as he may be at any time, at the pleasure of said board.

Sec. 3. Such agent shall receive a certificate from the mayor and aldermen or selectmen by whom he has been appointed, authorizing him as the agent of such town or city, to sell intoxicating liquors for medical and mechanical purposes only; but such certificate shall not be delivered to the person so appointed, until he shall have executed and delivered to said board, a bond with two good and sufficient sureties, in the sum of six hundred dollars, in substance as follows:

Know all men that we, _____ as principal, and _____ as sureties, are holden and stand firmly bound to the inhabitants of the town of _____, (or city

as the case may be,) in the sum of six hundred dollars, to be paid them, to which payment we bind ourselves, our heirs, executors and administrators, firmly by these presents. Sealed with our seals, and dated this _____ day of _____, A. D. _____.

The condition of this obligation is such, that whereas the above bounden _____ has been duly appointed an agent for the town, (or city,) of _____ to sell within, and for and on account of said town (or city,) intoxicating liquors for medical and mechanical purposes, and no other, until the _____ of _____ A. D. _____, unless sooner removed from such agency.

Now if the said _____ shall in all respects conform to the provisions of the law relating to the business for which he is appointed, and to such rules and regulations as now are, or shall be from time to time established by the board making the appointment, then this obligation to be void; otherwise to remain in full force.

Sec. 4. If any person, by himself, clerk, servant or agent, shall at any time sell any spirituous or intoxicating liquors, or any mixed liquors, part of which is intoxicating, in violation of the provisions of this act, he shall forfeit and pay on the first conviction, ten dollars and the costs of prosecution, and shall stand committed until the same be paid; on the second conviction he shall pay twenty dollars, and cost of prosecution, and shall stand committed until the same is paid; on the third and every subsequent conviction, he shall pay twenty dollars and the costs of prosecution, and shall be imprisoned in the common jail, not less than three months, nor more than six months, and in default of payment of the fines and costs prescribed by this section, for the first and second convictions, the convict shall not be enti-

itled to the benefit of chapter 175 of the revised statutes, until he shall have been imprisoned two months; and in default of payment of fines and costs provided for the third and every subsequent conviction, he shall not be entitled to the benefit of said chapter 175 of the revised statutes, until he shall have been imprisoned four months. And if any clerk, servant, agent or other person in the employment, or on the premises of another, shall violate the provisions of this section, he shall be held equally guilty with the principal, and, on conviction, shall suffer the same penalty.

Sec. 5. Any forfeiture or penalty arising under the above section, may be recovered by an action of debt, or by complaint before any justice of the peace, or judge of any municipal or police court, in the county where the offence was committed. And the forfeiture so recovered shall go to the town where the convicted party resides, for the use of the poor; and the prosecutor or complainant may be admitted as a witness in the trial. And if any one of the selectmen or board, or mayor and aldermen shall approve of the commencement of any such suit, by endorsing his name upon the writ, the defendant shall in no event recover any costs; and in all actions of debt arising under this section, the fines and forfeitures suffered by the defendant, shall be the same as if the actions had been by complaint. And it shall be the duty of the mayor and aldermen of any city, and selectmen of any town, to commence an action in behalf of said town or city, against any person guilty of a violation of any of the provisions of this act, on being informed of the same, and being furnished with the proof of the fact.

Sec. 6. If any person shall claim an appeal from a judgment rendered against him by any judge or justice, on the trial of such action or complaint, he shall, before the appeal shall be allowed, recognize in the sum of one hundred dollars, with two good and sufficient sureties, in every case so appealed, to prosecute his appeal and to pay all costs, fines and penalties that may be awarded against him, upon a final disposition of such suit or complaint. And before his appeal shall be allowed, he shall also, in every case, give a bond with two good and sufficient sureties, running to the town or city, where the offence was committed, in the sum of two hundred dollars, that he will not during the pendency of such appeal, violate any provisions of this act. And no recognizance or bond shall be taken in cases arising under this act, except by the justice or judge before whom the trial was had; and the defendant shall be held to advance the jury fees in every case of appeal in an action of debt; and in the event of a final conviction before a jury the defendant shall suffer and pay double the amount of fines, penalties and imprisonment awarded against him by the justice or judge from whose judgment the appeal was made. The forfeiture for all bonds and recognizances given in pursuance of this act, shall go to the town or city where the offence was committed, for the use of the poor; and if the recognizances and bonds mentioned in this section shall not be given, within twenty-four hours after the judgment, the appeal shall not be allowed, the defendant in the mean time to stand committed.

Sec. 7. The mayor and aldermen of any city, and the selectmen of any town, whenever complaint shall be made to them that a breach of the conditions of the bond given by any person appointed under this act, has been committed, shall

notify the person complained of, and if upon a hearing of the parties it shall appear that any breach has been committed, they shall revoke and make void his appointment. And whenever a breach of any bond given to the inhabitants of any city or town in pursuance of any of the provisions of this act, shall be made known to the mayor and aldermen, or selectmen, or shall in any manner come to their knowledge, they or some of them shall, at the expense and for the use of said city or town, cause the bond to be put in suit in any court proper to try the same.

Sec. 8. No person shall be allowed to be a manufacturer of any spirituous or intoxicating liquor, or a common seller thereof, without being duly appointed as aforesaid, on pain of forfeiting on the first conviction, the sum of one hundred dollars and the costs of prosecution, and in default of the payment thereof, the person so convicted shall be imprisoned sixty days in the common jail; and on second conviction, the person so convicted shall pay the sum of two hundred dollars and costs of prosecution, and in default of payments shall be imprisoned four months in the common jail; and on the third and every subsequent conviction, shall pay the sum of two hundred dollars, and shall be imprisoned four months in the common jail of the county, where the offence was committed; said penalties to be recovered before any court of competent jurisdiction, by indictment, or by action of debt in the name of the city or town where the offence shall be committed. And whenever a default shall be had of any recognizance, arising under this act, scire facias shall be issued, returnable at the next term, and the same shall not be continued, unless for good cause satisfactory to the court.

Sec. 9. No person engaged in the unlawful traffic in intoxicating liquors shall be competent to sit upon any jury, in any case arising under this act; and when information shall be communicated to the court, that any member of any panel engaged in such traffic, or that he is believed to be engaged, the court shall inquire of the jurymen of whom such belief is entertained; and no answer which he shall make shall be used against him in any case arising under this act; but if he shall answer falsely, he shall be incapable of serving on any jury in the state; but he may decline to answer, in which case he shall be discharged by the court from all further attendance as a jurymen.

Sec. 10. All cases arising under this act, whether by action, indictment, or complaint, which shall come before a superior court, either by appeal or original entry, shall take precedence in said court of all other business, except those criminal cases in which the parties are actually under arrest, awaiting a trial; and the court and prosecuting officer shall not have authority to enter a nolle prosequi, or to grant a continuance in any case arising under this act, neither before or after the verdict, except where the purposes of justice shall require it.

Sec. 11. If three persons, voters in the town or city where the complaint shall be made, shall, before any justice of the peace or judge of any municipal or police court, make complaint under oath or affirmation, that they have reason to believe and do believe that spirituous or intoxicating liquors are kept or deposited, and intended for sale by any person not authorized to sell the same in said city or town under the provisions of this act, in any store, shop, warehouse, or other building, or place in said city or town